

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY

DOCKET NO. 58-0000-0903

NOTICE OF PUBLIC COMMENT PERIOD AND PUBLIC HEARING ON DEQ'S TENTATIVE DETERMINATION TO GRANT VARIANCES FROM MEETING WATER QUALITY STANDARDS FOR THE DISCHARGE OF METALS FROM THE PAGE, MULLAN, AND SMELTERVILLE WASTEWATER TREATMENT FACILITIES

NOTICE: The Department of Environmental Quality (DEQ) hereby gives notice that it has made a tentative determination to grant the South Fork Coeur d'Alene River Sewer District a variance from meeting water quality standards for the discharge of metals from the Page and Mullan wastewater treatment facilities, and has made a tentative determination to grant the City of Smelterville a variance from meeting water quality standards for the discharge of metals from the Smelterville wastewater treatment facility. These wastewater treatment facilities are currently operating under an EPA issued variance set to expire on August 1, 2009. DEQ is seeking public comment before making a final determination to grant these variances.

AUTHORITY: This action is taken pursuant to Section 260 of the Water Quality Standards, IDAPA 58.01.02.

PUBLIC HEARING SCHEDULE: A public hearing will be held as follows:

WEDNESDAY, APRIL 22, 2009, 6:30 p.m.

**KELLOGG MIDDLE SCHOOL LIBRARY
810 Bunker Avenue
Kellogg, Idaho**

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made no later than five (5) days prior to the hearing. For arrangements, contact the undersigned at (208) 373-0418.

DESCRIPTIVE SUMMARY: The South Fork Coeur d'Alene River Sewer District submitted to DEQ a request for a variance from meeting water quality standards for the discharge of cadmium, lead, and zinc from the Page and Mullan wastewater treatment facilities (cadmium, lead, and zinc for Page; cadmium and zinc for Mullan). The City of Smelterville submitted to DEQ a request for a variance from meeting water quality standards for the discharge of cadmium, lead, and zinc from the Smelterville wastewater treatment facility.

In the variance requests, the South Fork Coeur d'Alene River Sewer District and the City of Smelterville make a demonstration that meeting the standard is unattainable because controls more stringent than technology-based effluent limitations would result in substantial and widespread economic and social impact. The South Fork Coeur d'Alene River Sewer District and the City of Smelterville also submitted supporting documentation that treatment more advanced than required by technology-based effluent limitations have been considered and that alternative effluent control strategies have been evaluated.

Upon review of the demonstration and supporting documentation submitted by both the South Fork Coeur d'Alene River Sewer District and the City of Smelterville, DEQ has determined that the requirements for obtaining a variance, as required by 58.01.02.260.01, have been met.

The proposed variances would authorize the Page, Mullan, and Smelterville wastewater treatment facilities to discharge metals (cadmium, lead, and zinc for Page and Smelterville; cadmium and zinc for Mullan) to the South Fork Coeur d'Alene River at higher concentrations than those established by Idaho's water quality criteria for a maximum of five years. The proposed variances would allow the facilities to discharge at current levels during the five year term of the variance while working to implement measures which will reduce metals concentrations over time.

The impacts of the proposed variances upon the receiving stream are to delay meeting of water quality criteria. Although water quality criteria will not be met immediately, water quality is expected to improve over the course of the variances due to measures to reduce infiltration and interception of cadmium, lead and zinc contaminated ground water into sewer lines. Based on USGS water quality sampling from January 2004 through February 2009, the South

Fork Coeur d'Alene River near Pinehurst (station 12413470) does not meet aquatic life criteria for chronic exposure to cadmium and zinc, and has met the chronic criterion for lead. Based on monthly Discharge Monitoring Reports (DMRs) for the wastewater treatment facilities for the Cities of Page, Mullan and Smelterville from August 2004 (beginning of current permits and variances) through October 2008 (most recent data), the load of metals contributed by these facilities is minor (lead, ~ 2%) or insignificant (cadmium and zinc, < 1%) compared to the loads in the river. As a result, the effect of discharges from the three wastewater treatment facilities on the concentration of metals in the river is very small. In the case of cadmium and zinc, the DMR data show the quality of the discharges is usually better than the river currently and they actually serve to dilute in stream metals concentrations most of the time.

Contaminated ground water is the primary source of elevated metals in these wastewater discharges in addition to being a direct contributor to elevated metals in the river regardless of wastewater discharge. There will be improvements in effluent quality during the variance period brought about by efforts to control inflow and infiltration of contaminated ground water into the sewage system that are more cost effective, at this time, than treatment of wastewater to remove metals. The variances facilitate these efforts. Until ground water is cleaned up, granting these variances will have little if any impact on the South Fork Coeur d'Alene River meeting aquatic life criteria for cadmium, lead and zinc.

Any variance granted by DEQ will remain in effect for a period of five years or the life of the permit. Upon expiration of the five year time period or permit, the discharger must either meet the standard or must re-apply for the variance in accordance with the Water Quality Standards, 58.01.02. In considering a re-application for a variance, DEQ will require the discharger to demonstrate reasonable progress towards meeting the standard.

AVAILABILITY OF DOCUMENTS FOR REVIEW: A copy of the proposed variances and related documents can be obtained at www.deq.idaho.gov/public/comment.cfm or by contacting the undersigned.

ASSISTANCE ON TECHNICAL QUESTIONS AND SUBMISSION OF WRITTEN COMMENTS: For assistance on questions concerning the proposed variances, contact Don Essig at don.essig@deq.idaho.gov, (208)373-0119.

Anyone may submit written comments by mail, fax or e-mail at the address below. DEQ will consider all written comments received by the undersigned on or before May 1, 2009.

Dated this 13th day of March, 2009.

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